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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,480	07/14/2004	Roar Pedersen	4431-0105PUS1	2430
2292	7590	12/15/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			VASUDEVA, AJAY	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			3617	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,480

Applicant(s)

PEDERSEN ET AL.

Examiner

Ajay Vasudeva

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 7/14/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 (line 16), use of the limitation "a forward trunk channel ...; an aft trunk channel" (emphasis added) makes the claim indefinite. The claim, as phrased, makes it difficult to determine if such forward and aft trunk channels are a part of, or different from, a "trunk channel" recited earlier in the claim.

In claim 18, use of the limitation "said grating" (emphasis added) lacks proper antecedent basis in the claim.

In claim 25 (line 12), use of the limitation "and the trawl sack is then separated from the trawl sack" (emphasis added) makes the claim indefinite because such limitation is vague and confusing.

In claim 26 (line 4), use of the limitation "fish pump to e.g." (emphasis added) makes the claim indefinite because it is unclear whether the limitation(s) following the phrase "for example" are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 7-17, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU 1244009 A1 ('009) in view of SU 622713 A ('713)

SU ('009) shows a trawling vessel with an arrangement for towing and hauling a trawl net. The vessel has a lock chamber [5] for hauling the trawl net through a sluiceway. A trunk channel leads up from the lock chamber to allow the net to be hauled up to a deck in a discharged state. A ceiling covers all of the lock chamber, with forward and aft channels running through the ceiling.

SU ('009), however, does not show a storage sump, or the lock chamber as having a substantial portion of its volume below the design water line of the vessel.

SU ('713) shows a vessel, having a lock chamber and a storage sump disposed substantially below the design water line of the vessel to allow a transport of live fish.

It would have been obvious for one skilled in the art at the time of the invention to modify the vessel of SU ('009), as taught by SU ('713), such that its lock chamber with a storage sump was disposed substantially below the design water line of the vessel. Having such an arrangement would have allowed the vessel to transport live fish.

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6. Claims 1-3, 5, 7-16, 21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU 1681800 ('800) in view of SU 1244009 A1 ('009).

SU ('800) shows a trawling vessel with an arrangement for towing and hauling a trawl net. The vessel has a lock chamber [3] for hauling the trawl net through a sluiceway in the stem. A trunk channel leads up from the lock chamber to allow the net to be hauled up to a deck in a discharged state. The lock chamber has a substantial portion of its volume below the design water line of the vessel.

SU ('800), however, does not show a ceiling over the lock chamber, or an aft channel extending through the ceiling to the deck.

SU ('009) shows a vessel, having a trunk channel, a ceiling covering all of the lock chamber, and forward and aft channels extending through the ceiling.

It would have been obvious for one skilled in the art at the time of the invention to modify the vessel of SU ('800), as taught by SU ('009), such that its lock chamber was covered with a ceiling, and provided with an aft channel – in addition to the forward channel – extending through the ceiling. Having a ceiling extending over the entire lock chamber would have added valuable usable space on the deck of the vessel, and would have further shielded the live fish in lock chamber storage area from the elements. Having an aft channel in the ceiling would have allowed a deck crane to lift the rear part of the net to enable a simple, efficient and rapid discharge of fish in the chamber.

Allowable Subject Matter

7. Claims 4, 6, 18-20, 22 and 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The allowability of claims 25-28 has not been determined due to the indefinite nature of the claims.

Conclusion

9. The prior art made of record in the attached PTO Form 892, but not yet relied upon, is considered pertinent to applicant's disclosure.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva
Examiner
Art Unit 3617


AJAY VASUDEVA
PATENT EXAMINER
12/9/05